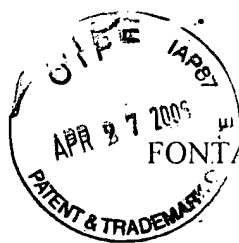


JPW



FONTANA.018A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : George F. Thagard, III, et al.
Appl. No. : 10/772,049
Filed : February 4, 2004
For : MODIFIED ASPHALTIC FOAM
MATERIALS
Examiner : John M. Cooney
Group Art Unit : 1711

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

April 25, 2006

(Date)

Neil S. Barfield, Ph.D., 39,901

RESPONSE TO RESTRICTION REQUIREMENT RECEIVED IN ERROR

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A Restriction Requirement was mailed by the PTO on April 18, 2006, in the above-referenced application. Upon review of the Restriction Requirement, Applicants realized that this communication was incorrectly matched to this application. The claims in Application Serial No. 10/772,049 relate to methods of making asphalt foam, whereas the claims set forth in the Restriction Requirement relate to DDP-IV crystals, methods of crystallization and nucleic acids encoding soluble DDP-IV, which are clearly not the pending claims in Serial No. 10/772,049. In addition, Serial No. 10/772,049 is being examined by John Cooney of Art Unit 1711, not by Nashaat Nashed of Art Unit 1656 whose name is on the present communication.

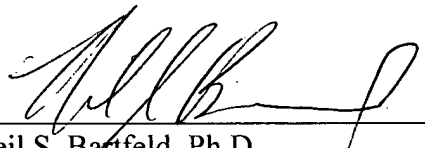
Appl. No. : 10/772,049
Filed : February 4, 2004

Applicants' representative spoke to Examiner Nashed on April 24, 2006, and informed him of this error. The Examiner instructed Applicants' representative to return the action to the PTO (enclosed herewith) and to explain that the action was received in error. Thus, it is respectfully requested that the Restriction Requirement in Serial No. 10/772,049 be withdrawn.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 4/25/06

By: 
Neil S. Bartfeld, Ph.D.
Registration No. 39,901
Agent of Record
Customer No. 20,995
(619) 235-8550

2545323
042406